

## **REMARKS**

This is intended as a full and complete response to the Office Action dated May 30, 2008, having a shortened statutory period for response set to expire on August 30, 2008. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-41 are pending in the application. Claims 1-18 remain pending following entry of this response. Claims 1, 2, 9, 10, 12, 14, and 16-18 have been amended. Claims 19-41 have been cancelled. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that those amended (or canceled) claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

### Interview Summary

On July 10, 2008, a telephonic interview was held between Jude Jean Gilles, the Examiner, and John C. Garza, Applicants' Representative. The parties discussed the cited references including *Brown* and *Pulsipher*. Applicants discussed claim 1. Specifically, Applicants clarified that the present invention is directed to internal networks connecting logical partitions within a computer. Amendments intended to clarify this aspect of the invention are reflected in this response. No agreement could be reached at the time of the interview.

### Claim Rejections - 35 U.S.C. § 101

Claims 27-31 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Applicants have canceled claims 27-31 for reasons not related to this rejection, thereby obviating this rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 1-41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown et al (US 20060106585 A1, hereinafter *Brown*) in view of Pulsipher et al (US 20040215781 A1, hereinafter *Pulsipher*).

Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a *prima facie* case of obviousness has not been established.

Regarding claim 1, the Examiner states:

Brown discloses a method for auto-configuring an internal network interface, wherein the internal network interface supports communication between a partition and other participating partitions associated with an internal network (figs. 1 and 87).

*Office Action*, page 4. Claims 12 and 17 are rejected on a similar basis. Applicants respectfully disagree with the Examiner's argument. Figure 1 of *Brown* illustrates an "Internet data center 100" which includes multiple servers. Figure 87 of *Brown* illustrates an "example services platform architecture." Thus, Applicants respectfully submit that the cited material, and the proposed combination of *Brown* and *Pulsipher* generally, do not teach or suggest an internal network between partitions, much less a method for auto-configuring an interface to such an internal network, as recited in the present claims.

For these reasons, Applicants believe that *Brown* and *Pulsipher* fail to disclose "each and every element as set forth in the claim." However, in the interest of facilitating prosecution, Applicants have amended the claims to clarify that the recited partitions refer to logical partitions of a computer. Further, applicants have amended the claims to address minor antecedent basis problems.

Applicants have canceled claims 19-41 for reasons not related to this rejection, thereby obviating this rejection. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and  
**S-signed pursuant to 37 CFR 1.4,**

/Gero G. McClellan, Reg. No. 44,227/

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